

Zhang, Xiao

From: Kelly.Richardson@LW.com
Sent: Friday, July 08, 2016 11:21 AM
To: Zhang, Xiao; Jeff.Carlin@lw.com; Benjamin.Gibson@lw.com
Subject: RE: ECI - Failure to Comply

Thanks, Xiao. Have a great weekend.

Kelly

From: Zhang, Xiao [mailto:Zhang.Xiao@epa.gov]
Sent: Friday, July 08, 2016 10:16 AM
To: Richardson, Kelly (SD); Carlin, Jeff (SD); Gibson, Benjamin (SD)
Subject: FW: ECI - Failure to Comply

Kelly, Jeff, and Ben,

EPA sent the attached letter to ECI today, requiring ECI to complete disposal of the soil stockpiles within 45 days.

Please let me know if you have any questions.

Xiao

From: Nguyen, Anhtu
Sent: Friday, July 08, 2016 7:17 AM
To: Ron Flury <RFlury@ecologycontrol.com>
Cc: Jeff Sharp <sharpenvironmental@gmail.com>; Peter Goldenring Attorney <peter@gopro-law.com>; Barton, Dana <Barton.Dana@epa.gov>; Zhang, Xiao <Zhang.Xiao@epa.gov>; Cher Snyder <csnyder@aqmd.gov>; Willard Garrett <Willard.Garrett@dtsc.ca.gov>; Yoshiya Morisaku <YMORISAKU@dpw.lacounty.gov>; Adrine Arakelian <AAarakelian@planning.lacounty.gov>; Lynda Hikichi <lhikichi@planning.lacounty.gov>; Charlene Contreras <chcontreras@ph.lacounty.gov>
Subject: ECI - Failure to Comply

Mr. Flury,

Please see the attached non-compliance letter.

If you have any questions at all, please feel free to contact me.

Thanks,

USEPA | Superfund

Tu Nguyen

Project Manager

U.S. Environmental Protection Agency

Superfund Division (SFD-7-2)

75 Hawthorne Street

San Francisco, CA 94105
415.972.3443

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Latham & Watkins LLP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

BY ELECTRONIC MAIL

July 8, 2016

Ronald J. Flury and
Ecology Control Industries, Inc.
20846 Normandie Ave.
Torrance, CA 90502

Re: Failure to comply with Unilateral Administrative Order to Conduct Removal
Actions, CERCLA Docket No. 2016-01 at Ecology Control Industries, Inc., Torrance,
CA

Dear Mr. Flury:

This letter provides notice that Ecology Control Industries, Inc. ("ECI") and Mr. Ronald Flury are out of compliance with CERCLA Unilateral Administrative Order Number 2016-01 ("Order") and informs you of the immediate steps that are necessary to forestall further EPA enforcement actions at ECI, located at 20846 Normandie Avenue in Torrance, California.

Pursuant to Paragraph 46 of the Order and ECI's November 17, 2015 Soil Stockpile Management Work Plan, all soil stockpiles must be managed so as to prevent releases from wind erosion or direct contact and the asphalt areas around the stockpiles must be clear of residual soils. At a minimum, ECI must cover the stockpiles with a minimum of one layer of 10-millimeter thick sheeting or equivalent, and the edges of the sheeting must overlap.

ECI has persistently failed to adequately cover the soil stockpiles. On numerous instances, EPA observed, in the daily photos taken by ECI, holes in both the inner and outer layers of the covers on the stockpiles and gaps between the edges of the covers.

During a site inspection conducted on June 28, 2016, EPA observed that the condition of the covers on the soil stockpiles has significantly deteriorated, presenting a potential source of DDT exposure to nearby residents and in violation of the Order. EPA observed that the covers were not equivalent to 10-millimeters thick or sufficient to prevent releases of DDT-contaminated soil. The inner white cover on each of the four stockpiles had large holes, exposing the soil underneath. The outer black cover on each of the stockpiles also had

numerous holes, and, in several places, the edges of the outer covers did not overlap or the duct tape connecting the edges did not properly secure the covers. As a result, the soils in the stockpiles were directly exposed to wind. Furthermore, the asphalt areas surrounding the stockpiled soils were not clear of residual soils.

To prevent further releases of DDT-contaminated soil from the stockpiles, ECI must provide for off-site disposal of the soil stockpiles to be completed no later than **forty-five (45) days** after receipt of this letter. Disposal must occur in the manner specified in the Revised Soil Stockpile Removal and Site Restoration Work Plan, Version 3.0, submitted by ECI on May, 6, 2016 ("Revised Plan"). ECI must obtain written acceptance of the soil stockpiles from a hazardous waste disposal facility and submit it to EPA for EPA's concurrence no later than **seven (7) days** after receipt of this letter.

ECI shall amend the Revised Plan to include a schedule for disposal of the soil stockpiles. Furthermore, the Revised Plan shall be amended to require ECI to notify EPA seventy-two (72) hours prior to performing any work in the Revised Plan. These amendments must be made and a new plan must be submitted to EPA within **two (2) days** after receipt of this letter, in accordance with Paragraph 48.b of the Order.

Any willful violation, or failure or refusal to comply with any provision of the Order may subject ECI and Mr. Flury to civil penalties of up to \$37,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19. In the event of such willful violation, or failure or refusal to comply, EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606. ECI and Mr. Flury may also be subject to punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure to comply, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

If you have any questions, please contact me at (415) 972-3443 or at Nguyen.anhtu@epa.gov. Legal matters should be directed to Xiao Zhang of the Office of Regional Counsel at (415) 972-3266 or at zhang.xiao@epa.gov.

Thank you,



Anhtu Nguyen
Remedial Project Manager
Superfund Division

Cc: Jeffrey Sharp, Sharp Environmental Technologies, Inc.
Peter Goldenring, Goldenring and Prosser, APLC